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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/514,033	02/25/2000	Donald L. Brodigan	1589 (USW0563PUS)	7568
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22193 7590 02/21/2003

QWEST COMMUNICATIONS INTERNATIONAL INC  
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DENVER, CO 80202

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/514,033

Applicant(s)

BRODIGAN ET AL.

Examiner

Annan Q Shang

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Farry et al (5,608,447).

As to claim 1, note the Farry et al reference figures 5 and 16, disclose a digital switching network which accommodates a full range of broadband and narrowband digital technologies, including telephone, video, video-on-demand, data services, information services, interactive services and further teach a method for providing personalized interactive programming over a data path, the data extending between a service provider being connected to a data network and having an address, the method comprising: claim method is met as follows: the claim step of "establishing a communication path between a broadband digital terminal and the set-top-box..." is met by Permanent Virtual Circuit (PVC) connection that is established between the Optical Network Unit (ONU), connected to an X.25 access network via gateway 1, and the set-top-box, Digital Entertainment Terminal (DET), note col. 10, line 63-col. 11, line 42, note that the when the DET requests for a particular service a message is sent to

the ONU which by addressing knows the port associated with the DET, ONU initiates an X.25 connection to gateway 1 which downloads a menu to indicate services available and if services requested is video-on-demand, Gateway 1, initiates connection via network to information server 501 or ISP and if a DET meets requirements, such as billing, etc., PVC controller activates a PVC connection between the server port identified by the information returned from the server and the port number of the DET desiring the service and once the communication session is established, the connection between Gateway 1 and the DET is broken down; the claimed "service provider ..." is met by non-broadcast information providers 500, 500' with servers 501, 501' and gateways 502, 502', note figures 5, 15 and col. 6, line 66-col. 7, line 15, note that the non-broadcast information Services providers (ISP) offer services such as video-on-demand and interactive multimedia services, the claimed "sending a private packet....," is met by Server 501 or Information Service Provider (ISP), note col. 7, lines 8-15, note that ISP sends ATM cell stream (contains multimedia information and destination) and the ATM switch 510 transmits the selected ATM cells via optical fiber for distribution to the various DETs', over the network, X.25 access network, etc., note col. 7, lines 15-36 and col. 11, lines 9-13, note that to established communication session or connection through the network between the ISP and a particular subscriber or DET requires establishing a permanent virtual circuit (PVC), the claimed "packet..." is met by ATM cell stream which containing application interface information and the service provider, (ISP) or server 501, address, note col. 10, line 63-col. 11, line 31, note that when the DET requests for a particular services for ISP gateway 1 downloads a menu including

services available at that DET the menu... contains application interface and destination address and ISP address, note col. 11, lines 4-20, the claimed "establishing an impulse pay-per-view between the set-top-box (STB) and the service provider..." is met by the permanent virtual circuit (PVC) that is established between the DET and the ISP, note col. 7, lines 16-36 and col. 11, lines 4-42, note that impulse pay-per-view enables interactive multimedia services between the STB and the ISP, note col. 6, line 66-col. 7, line 2 and col. 9, line 63-col. 10, line 7.

As to claim 2, Farry further discloses a method for providing personalized interactive programming over a data path where sending the private data packet is performed by inserting the private data packet between frames of a video transmission, note col. 7, lines 6-15.

As to claim 3, Farry further discloses a method for providing personalized interactive programming over a data path where the video transmission is prerecorded programming that is transmitted on demand, note col. 6, line 66-col. 7, line 2.

As to claim 4, Farry further discloses a method for providing personalized interactive programming over a data where the video transmission is real-time programming, note col. 6, line 66-col. 7, line 2.

As to claim 5, note the Farry et al reference figures 5 and 15, disclose a digital switching network which accommodates a full range of broadband and narrowband digital technologies, including telephone, video, video-on-demand, data services, information services, interactive services and further teach an interactive video/data system for interacting with a destination address on a network, comprising; the claimed

"a broadcast source..." is met by non-broadcast information providers 500, 500' with servers 501, 501' and gateway 502, 502', note figures 5, 15 and col. 6, line 66-col. 7, line 15, note that the non-broadcast information Services providers (ISP) offer services such as video-on-demand and interactive multimedia services, the claimed "private packet..." is met by ATM cell stream which is transmitted from Server 501 or ISP at a destination address over a permanent virtual circuit (PVC) on the network, note col. 7, lines 8-36, note that ATM cell stream (contains multimedia information and destination) and the ATM switch 510 transmits selected ATM cells via optical fiber for distribution to the various Digital Entertainment Terminal (DET), and established communication session or connection through the network between the ISP and a particular subscriber or DET requires establishing a permanent virtual circuit (PVC), the claimed "packet containing application interface information" is by menu which contains application interface and the destination, note col. 10, line 63-col. 11, line 31, note that when the DET requests for a particular services for ISP gateway one downloads a menu including services available at that DET, the claim "broadband digital terminal..." is met by the Optical Network Unit (ONU) 1510, and receives the packet over the private virtual channel, permanent virtual circuit (PVC), from the broadcast source, ISP or server 501, note col. 11, lines 15-42, the claim "set top box..." is met by Digital Entertainment Terminal (DET), note col. 7, lines 8-15, note that the DET receives ATM cell stream from the ONU, and cooperates with the ONU and the ISP or server 501, and further when the DET requests for a particular service a message is sent to the ONU which by addressing knows the port associated with the DET, and ONU initiates connection to

Gateway 1 which downloads a menu to indicate services available and if the services requested is video-on-demand, Gateway 1 initiates connection via network to information server 501 or ISP and if a DET meets requirements, such as billing, etc., PVC controller activates a PVC connection between the server port identified by the information returned from the server and the port number of the DET desiring the service and once the communication session is established and once the communication session is established, the connection between Gateway 1 and the DET is broken down, note col. 11, lines 1-42, the claimed "establishing an impulse pay-per-view (IPPV) between the set-top-box (STB) and the service provider..." is met by the permanent virtual circuit (PVC) that is established between the DET and the ISP, note col. 6, line 66-col. 7, line 2, note that IPPV data path is extended from the DET the ONU and server 501 or ISP at the destination address and allows application interface information to be communicated in real-time between the DET and the server 501 or ISP, note col. 9, line 63-col. 10, line 7, note that the download menu and available services to the DET and the selection performed by the subscriber is in real-time.

As to claim 6, Farry further discloses an interactive video/data system comprising, a television receiving video transmissions from the set top box, note col. 10, line 63-col. 11, line 6.

As to claim 7, Farry further discloses an interactive video/data system comprising, an optical network unit, ONU 1510, between the broadband digital terminal and the set top box, note figure 15, col. 11, lines 4-31.

As to claim 8, Farry further discloses an interactive video/data system comprising a network interface device 930, between the optical network unit and the set top box, note figure 9 and col. 8, line 27-42.

As to claim 9, Farry further discloses an interactive video/data system where the private data is inserted between frames of video transmission, note col. 7, lines 6-15.

As to claim 10, Farry further discloses an interactive video/data system where the broadcasting source is a local server, note col. 4, lines 54-65.

As to claim 11, Farry further discloses an interactive video/data system where the broadcasting source is an Internet service provider, note col. 10, line 63-col. 11, line 6.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brodigan (6,195,364) discloses a VSDL multiple service provider interface.

Datari (6,418,169) discloses a system for prioritizing bi-directional broadcast data.

Loukianov (6,249,526) discloses versatile time division multiple access slot assignment unit.

Dunn et al (6,154,772) disclose a system and method for the delivery of digital video and data over a communication channel.

Wheeler, Jr. (5,583,920) discloses intelligent peripheral in video dial tone network.



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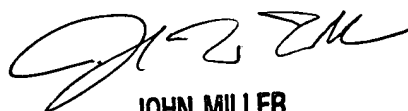
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Annan Q Shang whose telephone number is 703-305-2156. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5991 for regular communications and 703-746-5991 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Annan Q. Shang  
February 7, 2003



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600